

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
v.)	CAUSE NO.: 3:07-CR-13-PPS
)	
JESUS J. GARCIA,)	
Defendant.)	

**FINDINGS AND RECOMMENDATION OF THE MAGISTRATE JUDGE
UPON A PLEA OF GUILTY BY DEFENDANT JESUS J. GARCIA**

TO: THE HONORABLE PHILIP S. SIMON, JUDGE,
UNITED STATES DISTRICT COURT

Upon Defendant Jesus J. Garcia's request to enter a plea of guilty pursuant to Rule 11 of the Federal Rules of Criminal Procedure, this matter came for hearing before the undersigned Magistrate Judge Paul R. Cherry, on February 19, 2008, with the consent of Defendant Jesus J. Garcia, counsel for Defendant Jesus J. Garcia, and counsel for the United States of America.

The hearing on Defendant Jesus J. Garcia's plea of guilty was in full compliance with Rule 11, Federal Rules of Criminal Procedure, before the undersigned Magistrate Judge in open court and on the record.

In consideration of that hearing, the statements made by Defendant Jesus J. Garcia under oath on the record and in the presence of counsel, and the remarks of the Assistant United States Attorney and of counsel for Defendant Jesus J. Garcia,

I FIND as follows:

(1) that Defendant Jesus J. Garcia understands the nature of the charge against him to which the plea is offered;

(2) that Defendant Jesus J. Garcia understands his right to trial by jury, to persist in his plea of not guilty, to the assistance of counsel at trial, to confront and cross-examine adverse witnesses, and his right against compelled self-incrimination;

(3) that Defendant Jesus J. Garcia understands what the maximum possible sentence is, including the effect of the supervised release term, and Defendant Jesus J. Garcia understands that the sentencing guidelines apply and that the Court may depart from those guidelines under some circumstances;

(4) that the plea of guilty by Defendant Jesus J. Garcia has been knowingly and voluntarily made and is not the result of force or threats or of promises;

(5) that Defendant Jesus J. Garcia is competent to plead guilty;

(6) that Defendant Jesus J. Garcia understands that his answers may later be used against him in a prosecution for perjury or false statement;

(7) that there is a factual basis for Defendant Jesus J. Garcia's plea; and further,

I **RECOMMEND** that the Court accept Jesus J. Garcia's plea of guilty to the offense charged in Count I of the Superseding Indictment and that Defendant Jesus J. Garcia be adjudged guilty of the offense charged in Count I of the Superseding Indictment and have sentence imposed. A Presentence Report has been ordered. Should this Report and Recommendation be accepted and Defendant Jesus J. Garcia be adjudged guilty, sentencing has been scheduled for **June 6, 2008, at 9:30 a.m.** in the Hammond Division, before Judge Philip Simon. The Court **ORDERS** the United States Marshall to **PRODUCE** Defendant Jesus J. Garcia for sentencing. Objections to the Findings and Recommendation are waived unless filed and served within ten (10) days. 28 U.S.C. § 636(b)(1)(B).

So ORDERED this 20th day of February, 2008.

s/ Paul R. Cherry
MAGISTRATE JUDGE PAUL R. CHERRY
UNITED STATES DISTRICT COURT

cc: All counsel of record
Honorable Philip Simon